



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, February 13, 2013

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Annette Lewis, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20130074 Presentation -Visit Marietta Square App

Theresa Jenkins, Marietta Welcome Center presents their new Visit Marietta Square app.

20130172 Dr. Oral Moses

Dr. Oral Moses will sing the National Anthem.

PROCLAMATIONS:

20130182 Proclamation - Dr. Oral Moses

Presentation of a Proclamation to Dr. Oral Moses, retired Professor of Voice and Music Literature and Director of the Gospel Choir at Kennesaw State University. Dr. Moses is a bass-baritone who has numerous successes in Oratoria and Opera performing major roles. Dr. Oral Moses has recorded several CDs of Art Songs and Spirituals by African-American composers.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****20130191 Rescind Legistar Number 20130069**

Motion to rescind Legistar number 20130069, Marietta Welcome Center Appointment.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:**20130108 Regular Meeting - January 9, 2013**

Review and approval of the January 9, 2013 regular meeting minutes.

*** 20130160 Special Meeting - February 1, 2013**

Review and approval of the February 1, 2013 special meeting minutes.

Council members Lewis and King abstaining.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20121184 Z2013-03 Jonathan C. Pascoe 238 Crescent Circle

Z2013-03 [REZONING] JONATHAN C. PASCOE requests rezoning for property located in Land Lot 12310, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia and being known as 238 Crescent Circle from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3.

*Planning Commission recommends approval
opposed*

Vote: 5-1-0 Jason Waters

Motion: Mr. Waters made a motion, seconded by Mr. Diffley, to recommend to city council that the property at 238 Crescent Circle remain OI; however, with an additional use as a residence and grant any and all variances under this zoning category.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20121333 Z2013-08 MESQUITE CREEK DEVELOPMENT, INC. (RACETRAC PETROLEUM, INC.) 2400 & 2466 Delk Road

Z2013-08 [REZONING] MESQUITE CREEK DEVELOPMENT, INC. (RACETRAC PETROLEUM, INC.) requests rezoning for property located in Land Lot 07990, District 17, Parcels 0380 & 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 2400 & 2466 Delk Road from OI (Office Institutional) and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 1.

Planning Commission recommends approval with variances Vote: 6-0-0

Motion: Mr. Waters made a motion to approve, seconded by Mr. Storey.

Stipulations: To include the following variances:

- 1. Variance to allow the clustering of street trees in lieu of evenly spacing trees every thirty feet. (Section 712.08.G.2.a)*
- 2. Variance to allow the required street trees to be placed within the front setback, instead of in a ten feet landscape strip. (Section 712.08.G.2.a)*
- 3. Variance to increase the allowable canopy signage on each side from 10 sf. to 51 sf. (Section 714.05.C.)*

PUBLIC HEARING (all parties are sworn in)

20121326 Z2013-04 City of Marietta - Canton Road Commercial Island Annexation

Z2013-04 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA requests rezoning from O&I/NS (Office and Institutional/Neighborhood Shopping - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 08740, District 16, Parcel 0260 (532 Dickson Rd); from GC (General Commercial - County) to LI (Light Industrial - City) for property located in Land Lot 08750, District 16, Parcels 0020 (751 Sawyer Rd), 0030 (748 Sawyer Rd), and 0040 (1436 Canton Dr); from GC (General Commercial - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 08740, District 16, Parcels 0010 (1447 Canton Rd), 0030 (1479 Owenby Dr), and 0500 (1441 Canton Rd); from GC (General Commercial - County) to HI (Heavy Industrial - City) for property located in Land Lot 08750, District 16, Parcel 0120 (1398 Owenby Dr); from LI (Light Industrial - County) to LI (Light Industrial - City) for property located in Land Lot 08530, District 16, Parcel 0020 (1556 W Oak Dr) and Land Lot 08740, District 16, Parcels 0350 (525 Dickson Rd), 0130 (515 Dickson Rd), 0120 (515 Dickson Rd) and 0110 (521 Dickson Rd); from HI (Heavy Industrial - County) to LI (Light Industrial - City) for property located in Land Lot 08040, District 16, Parcel 0170 (1654 W Oak Dr); Land Lot 08540, District 16, Parcel 0410 (a parcel on W Oak Dr); Land Lot 08750, District 16, Parcels 0060 (705 Sawyer Rd), 0590 (1421 Simms Dr), 0660 (725 Sawyer Rd), 0050 (1451 Canton Rd), 0630 (1401 Simms Dr), 0670 (731 Sawyer Rd), 0640 (a parcel on Sawyer Rd), 0680 (a parcel on Sawyer Rd), and 0710 (a parcel on Sawyer Rd); from HI (Heavy Industrial - County) to HI (Heavy Industrial - City) for property located in Land Lot 08750, District 16, Parcel 0120 (1398 Owenby Dr) and Land Lot 09260, District 16, Parcel 0360 (1343 Owenby Dr). Wards 5 & 6.

Planning Commission recommends approval with recommendation Vote: 6-0-0

Motion: Mr. Diffley made a motion, seconded by Mr. Storey that the rezonings be approved with the noted addresses:

All proposed properties would come in as advertised with the exception that the following properties will remain HI, as they are zoned HI in County:

705 Sawyer Road

725 Sawyer Road

1451 Canton Road

731 Sawyer Road

*3 parcels on Sawyer Road with the following tax id numbers - 16087500640;
16087500680; and 16087500710*

Stipulations: To approve, as presented by the City, with the changes listed above.

PUBLIC HEARING (all parties are sworn in)

20121325 A2013-01 City of Marietta - Canton Road Commercial Island Annexation

A2013-01 CITY OF MARIETTA requests annexation for property located in Land Lot 08040, District 16, Parcel 0170 (1654 W Oak Dr); Land Lot 08530, District 16, Parcel 0020 (1556 W Oak Dr); Land Lot 08540, District 16, Parcel 0410 (a parcel on W Oak Dr); Land Lot 08740, District 16, Parcels 0010 (1447 Canton Rd), 0030 (1479 Owenby Dr), 0110 (521 Dickson Rd), 0120 (515 Dickson Rd), 0130 (515 Dickson Rd), 0260 (532 Dickson Rd), 0350 (525 Dickson Rd), and 0500 (1441 Canton Rd); Land Lot 08750, District 16, Parcels 0020 (751 Sawyer Rd), 0030 (748 Sawyer Rd), 0040 (1436 Canton Dr), 0050 (1451 Canton Rd), 0060 (705 Sawyer Rd), 0120 (1398 Owenby Dr), 0590 (1421 Simms Dr), 0630 (1401 Simms Dr), 0640 (a parcel on Sawyer Rd), 0660 (725 Sawyer Rd), 0670 (731 Sawyer Rd), 0680 (a parcel on Sawyer Rd), and 0710 (a parcel on Sawyer Rd); Land Lot 09260, District 16, Parcel 0360 (1343 Owenby Dr) and all associated right-of-way for each address, all of the 16th District, 2nd Section, Cobb County, Georgia consisting of 33.14 acres. Wards 5 & 6.

Planning Commission recommends for approval Vote: 6-0-0

Motion: Mr. Diffley made a motion to approve the annexations, seconded by Mr. Storey.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20130002 CA2013-01 Code Amendment - Canton Road Commercial Island Annexation

CA2013-01 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 08040, District 16, Parcel 0170 (1654 W Oak Dr); Land Lot 08530, District 16, Parcel 0020 (1556 W Oak Dr); Land Lot 08540, District 16, Parcel 0410 (a parcel on W Oak Dr); Land Lot 08740, District 16, Parcels 0010 (1447 Canton Rd), 0030 (1479 Owenby Dr), 0110 (521 Dickson Rd), 0120 (515 Dickson Rd), 0130 (515 Dickson Rd), 0260 (532 Dickson Rd), 0350 (525 Dickson Rd), and 0500 (1441 Canton Rd); Land Lot 08750, District 16, Parcels 0020 (751 Sawyer Rd), 0030 (748 Sawyer Rd), 0040 (1436 Canton Dr), 0050 (1451 Canton Rd), 0060 (705 Sawyer Rd), 0590 (1421 Simms Dr), 0630 (1401 Simms Dr), 0640 (a parcel on Sawyer Rd), 0660 (725 Sawyer Rd), 0670 (731 Sawyer Rd), 0680 (a parcel on Sawyer Rd), and 0710 (a parcel on Sawyer Rd) to IW (Industrial Warehousing). The City of Marietta proposes to designate the Future Land Use of property located in Land Lot 08750, District 16, Parcel 0120 (1398 Owenby Dr) and Land Lot 09260, District 16, Parcel 0360 (1343 Owenby Dr) to IM (Industrial Manufacturing). Wards 5 & 6.

Planning Commission recommends approval with recommendation Vote: 6-0-0

Motion: Mr. Diffley made a motion, seconded by Mr. Storey that the future land use designations be approved, except that the following properties shall be designated as IM (Industrial Manufacturing):

All proposed properties would come in as advertised with the exception of the following:

705 Sawyer Road

725 Sawyer Road

1451 Canton Road

731 Sawyer Road

3 parcels on Sawyer Road with the following tax id numbers

16087500640; 16087500680; and 16087500710

Stipulations: To approve, as presented by the City, with the changes listed above.

PUBLIC HEARING (all parties are sworn in)

20121328 Z2013-05 City of Marietta - Cobb Parkway South Annexation

Z2013-05 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA requests rezoning from GC (General Commercial - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 05810, District 17, Parcels 0060 (991 S. Cobb Pkwy), 0040 (1049 S Cobb Pkwy), 0130 (1011 S Cobb Pkwy), 0170 (1035 Wylie Rd) and Land Lot 06420, District 17, Parcels 0040 (1264 Franklin Rd), 0070 (1291 S Cobb Pkwy), 0080 (1265 S Cobb Pkwy), 0100 (1264 S Cobb Pkwy), and 0140 (a parcel on S Cobb Pkwy); from R-20 (20,000 sq. ft. - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 06420, District 17, Parcels 0090 (1265 S Cobb Pkwy) and 0150 (1265 S Cobb Pkwy). Ward 7.

Planning Commission recommends approval

Vote: 6-0-0

Motion: Mr. Schupp made a motion to approve, as submitted, seconded by Mr. Waters.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20121327 A2013-02 City of Marietta - Cobb Parkway South Annexation

A2013-02 CITY OF MARIETTA requests annexation for property located in Land Lot 05810, District 17, Parcels 0060 (991 S. Cobb Pkwy), 0040 (1049 S Cobb Pkwy), 0130 (1011 S Cobb Pkwy), and 0170 (1035 Wylie Rd); Land Lot 06420, District 17, Parcels 0040 (1264 Franklin Rd), 0070 (1291 S Cobb Pkwy), 0080 (1265 S Cobb Pkwy), 0100 (1265 S Cobb Pkwy), 0090 (1265 S Cobb Pkwy), 0150 (1265 S Cobb Pkwy), 0140 (a parcel on S Cobb Pkwy) and all associated right-of-way for each address, all of the 17th District, 2nd Section, Cobb County, Georgia consisting of 7.08 acres. Ward 7.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Schupp made a motion to approve, as submitted, seconded by Mr. Waters.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20130003 CA2013-02 Code Amendment - Cobb Parkway South Annexation

CA2013-02 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 05810, District 17, Parcels 0060 (991 S. Cobb Pkwy), 0040 (1049 S Cobb Pkwy), 0130 (1011 S Cobb Pkwy), and 0170 (1035 Wylie Rd); Land Lot 06420, District 17, Parcels 0040 (1264 Franklin Rd), 0070 (1291 S Cobb Pkwy), 0080 (1265 S Cobb Pkwy), 0100 (1265 S Cobb Pkwy), 0090 (1265 S Cobb Pkwy), 0150 (1265 S Cobb Pkwy), 0140 (a parcel on S Cobb Pkwy) to CAC (Community Activity Center). Ward 7.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Schupp made a motion to approve, as submitted, seconded by Mr. Waters.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

*** 20121330 Z2013-06 City of Marietta - Powder Springs St Annexation**

Z2013-06 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA requests rezoning from O&I (Office and Institutional - County) to OI (Office Institutional - City) for property located in Land Lot 01480, District 17, Parcel 0050 (a parcel on Powder Springs St). Ward 3.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Storey made a motion to approve, seconded by Mr. Diffley

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

*** 20121329 A2013-03 City of Marietta - Powder Springs St Annexation**

A2013-03 CITY OF MARIETTA requests annexation for property located in Land Lot 01480, District 17, Parcel 0050 (a parcel on Powder Springs St), 2nd Section, Cobb County, Georgia consisting of a total of 1.995 acres. Ward 3.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Storey made a motion to approve, seconded by Mr. Diffley.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20130004 CA2013-03 Code Amendment - Powder Springs St Annexation**

CA2013-03 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 01480, District 17, Parcel 0050 (a parcel on Powder Springs Street) to CAC (Community Activity Center). Ward 3.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Story made a motion to approve, seconded by Mr. Diffley.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20121332 Z2013-07 City of Marietta - Residential Annexation**

Z2013-07 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA requests rezoning from R-20 (20,000 sq. ft - County) to R-2 (Single Family Residential - 2 units/acre - City) for property located in Land Lot 08540, District 16, Parcels 0390 (1516 W Oak Dr), 0360 (1546 W Oak Dr), 0370 (1536 W Oak Dr), 0380 (1526 W Oak Dr), 0400 (1506 Sawyer Rd); Land Lot 08740, District 16, Parcel 0370 (529 Dickson Rd); Land Lot 08790, District 16, Parcel 0040 (1380 Allgood Rd); and Land Lot 09230, District 16, Parcels 0080 (1244 Allgood Rd), 0190 (1284 Allgood Rd), 0210 (1271 Lincoya Dr). Ward 6.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Waters made a motion to approve, seconded by Mr. Carter.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20121331 A2013-04 City of Marietta - Residential Annexations**

A2013-04 CITY OF MARIETTA requests annexation for property located in Land Lot 08540, District 16, Parcels 0360 (1546 W Oak Dr), 0370 (1536 W Oak Dr), 0380 (1526 W Oak Dr), 0390 (1516 W Oak Dr), and 0400 (1506 Sawyer Rd); Land Lot 08740, District 16, Parcel 0370 (529 Dickson Rd); Land Lot 08790, District 16, Parcel 0040 (1380 Allgood Rd); Land Lot 09230, District 16, Parcels 0080 (1244 Allgood Rd), 0190 (1284 Allgood Rd), 0210 (1271 Lincoya Dr) and all associated right-of-way for each address, all of the 16th District, 2nd Section, Cobb County, Georgia consisting of 7.7 acres. Ward 6.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Waters made a motion to approve, seconded by Mr. Diffley.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20130005 CA2013-04 Code Amendment - Residential Annexation**

CA2013-04 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 08540, District 16, Parcels 0360 (1546 W Oak Dr), 0370 (1536 W Oak Dr), 0380 (1526 W Oak Dr), 0390 (1516 W Oak Dr), and 0400 (1506 Sawyer Rd); Land Lot 0874, District 16, Parcel 0370 (529 Dickson Rd) to IW (Industrial Warehousing). The City of Marietta proposes to designate the Future Land Use of property located in Land Lot 09230, District 16, Parcels 0080 (1244 Allgood Rd), 0190 (1284 Allgood Rd), 0210 (1271 Lincoya Dr) to MDR (Medium Density Residential). The City of Marietta proposes to designate the Future Land Use of property located in Land Lot 08790, District 16, Parcel 0040 (1380 Allgood Rd) to LDR (Low Density Residential). Ward 6.

Planning Commission recommends approval Vote: 6-0-0

Motion: Mr. Waters made a motion to approve, seconded by Mr. Storey.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

20130123 Z2013-09 MARIETTA HOUSING AUTHORITY 274, 298 & 305 Avery St, 427 Cole St, 235 & 244 Cuthbert St, 408 Hunt St, and 265 Montgomery St

Z2013-09 [REZONING] MARIETTA HOUSING AUTHORITY requests rezoning for property located in Land Lot 11440, District 16, Parcels 1970, 0140, and 0050; and Land Lot 11450, District 16, Parcels 0220, 0080, 1120, 1190, and 2230, 2nd Section, Marietta, Cobb County, Georgia and being known as 274, 298 & 305 Avery Street, 427 Cole Street, 235 & 244 Cuthbert Street, 408 Hunt Street, and 265 Montgomery Street from PRD-MF (Planned Residential Development - Multi Family) and R-4 (Single Family Residential - 4 units/acre) to PRD-MF (Planned Residential Development - Multi Family) for single family detached dwellings. Ward 5.

A Special Called Planning and Zoning Meeting will be held on Tuesday, February 12, 2013 at 6:00 PM in the council chamber of city hall. Planning Commission recommendations will be provided to council at the Agenda Review Meeting which will be held at 6:00 PM, Wednesday February 13, 2013.

PUBLIC HEARING REQUIRED

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

2. Finance/Investment: Annette Lewis, Chairperson

*** 20130100 Historic Preservation Commission Funds**

Motion to approved the reallocation of Historic Preservation funds in the amount of \$5,000 to use for design and construction of signs/markers to identify approved historic districts, with the condition that the wording on the sign and the location of the sign be subject to approval by City Council and that the sign placement not obstruct the view of traffic.

* **20130126 New Car Tax Collection**

Motion approving an Intergovernmental Agreement between the City and Cobb County regarding the distribution of the new car tax.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20130073 Intergovernmental Agreement regarding housing of prison inmates**

Motion approving an intergovernmental agreement between the City of Marietta, Georgia and the City of Kennesaw, Georgia for the housing of prison inmates.

* **20130125 Four-Sided Architecture**

Motion to establish a committee comprised of (4) contractors/developers/architect, Chris Poston, Bryan Musolf, Steve Brock and Roger Caldwell, who build homes within the City limits, staff, and two council members, Philip M. Goldstein and Grif Chalfant, to propose a more definitive definition in user friendly language to define "Four (4) Sided Architecture" for our ordinance.

* **20130111 Intergovernmental Agreement regarding health issues**

Motion to approve the Intergovernmental Agreement regarding health issues, as amended by adding a definition regarding the titles solicitor and prosecutor.

20130098 Revised Detailed Plan for Montgomery Park

Motion to approve the revised Detailed Plan for Montgomery Park, located in Land Lots 11440 and 11450, District 16, 2nd Section, Marietta, Cobb County, Georgia, and which includes the attached site plan and tree plan (both by Gaskins Engineering, dated 2-12-13); and architectural building elevations (by Caldwell Cline Architects Designers). Further, in regards to the architectural elevations for the Montgomery Park development, the following are included as conditions of the approved plan:

1. The homes in the Montgomery Park Community shall be traditional in nature and consistent with the homes submitted by Traton Homes and designed by Caldwell Cline Architects Designers, received by the City on January 18, 2013, and approved by the City Council of Marietta at the February 13, 2013 meeting.
2. Design features incorporated into the homes shall be:
 - a. Mixture of materials with material changes taking place on interior corners or where roof massing accommodates change of material
 - b. Window muntins appropriate by the architect on front, side and rear of the homes.
 - c. Shutters as deemed appropriate by the architect on front and side elevations of the homes.
 - d. Mixture of materials to continue, as appropriate onto side and rear elevations.
 - e. There shall be a maximum of 20' horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc., per heated floor space level). This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

Mayor Tumlin disclosed that Smith, Tumlin and McCurley and Patrick, PC performed legal services in real estate for the Marietta Housing Authority (MHA) including the current land purchase contract with Traton. This presents a conflict while still owned by the MHA.

* **20130158 Harold Street, Cuthbert Street, Hunt Street, and Avery Street Right of Way**

Motion to approve the Quitclaim Deed, with an added stipulation regarding other utilities that may be located in the area.

Mayor Tumlin disclosed that Smith, Tumlin and McCurley and Patrick, PC performed legal services in real estate for the Marietta Housing Authority (MHA) including the current land purchase contract with Traton. This presents a conflict while still owned by the MHA.

* **20121260 Kennesaw Avenue Design Guidelines**

Motion to authorize advertisement for a Public Hearing regarding the adoption of Design Guidelines for the Kennesaw Avenue Historic District.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20130103 2013 Street Closure Requests**

Motion approving the closure of various streets throughout 2013 to accommodate the Glover Park Concert Series, Taste of Marietta, May-retta Daze, Marietta Police Motorcycle Ride for Special Olympics, Fourth in the Park Parade and Festival, Art in the Park, Marietta StreetFest, Marietta Reads, Harvest Square Arts and Crafts Show, and MUST Ministries Gobble Jog as shown in the attached document items 20130103 A-J.

* **20130117 Artist's Market Street Closure Request**

Motion to approve the closure of Mill Street from the railroad tracks to Church St./West Park Square on the second and fourth Saturdays of the month from April 2013 through November 2013 during the hours of 7:00 a.m. to 3 p.m. for the purpose of conducting an Artist's Market, with parking spaces closed at 5:30 a.m.

* **20130115 Whole Hawg Happenin BBQ**

Motion authorizing the sanctioning of the Whole Hawg Happenin' BBQ and Music Festival and permitting the closure of East Park Square and Cherokee St. from N. Park Square to Hansell Street Saturday, September 28, 2013 from 8:00 AM until 11 PM, Sunday, September 29, 2013; and, the closure of Lawrence St. (Waddell Street to the Square), and N. Park Square on Sunday September 29, 2013 from 2 a.m. to 11 p.m. Further, the applicant will contribute 10% of the net proceeds to each of the following organizations but no less than \$1000 each: The Marietta/Cobb Museum of Art, Earl Smith Strand Theater, Marietta Museum of History, Gone With the Wind Museum, and the Boys and Girls Club of Cobb County. Additionally, the applicant will receive a waiver of the park use fee and supervision fee normally associated with a city event in Glover Park.

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

* **20130082 FY 2013 City/BLW Allocation Chart**

Approval of an Ordinance amending the FY 2013 City/BLW pay and classification plans and position allocation chart in order to change the title of PC Specialist to PC Technician in the IT Department.

* **20130059 Appointed Officials**

Appointed Officials performance and compensation.

* **20130064 Employment Agreement - Mayor's Assistant**

Motion to amend the employment agreement for the mayor's assistant to provide a 2% pay increase. The new salary shall be \$19.38 per hour and shall be retroactive to January 1, 2013.

20130196 Employment Contract - City Manager William F. Bruton, Jr.

Motion to amend the employment with City Manager William F. Bruton, Jr., to provide a 2% pay increase. The new salary shall be 178,505.60 and shall be retroactive to January 1, 2013.

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20130080 Standard Operating Procedures Revision**

Motion to approve revisions to the Marietta Police Department's Standard Operating Procedures: A019 Risk Analysis, A030 Code of Conduct, A039 Personnel Selection, A041 Organizational Structure, A050 Secondary Employment, A060 Evidence & Property Maintenance, C060 Volunteer Program, C070 Police Athletic League, P010 Patrol Operations, P015 Video/Audio Recording, P020 Missing Persons, P041 Pursuit of Motor Vehicles, P048 Vehicle Impounds, S030 Criminal Investigations, T030 Career Tracking, T050 Training.

7. Public Works Committee: Jim King, Chairperson

* **20130085 2005 SPLOST Reallocation**

Approval of an Ordinance amending the Fiscal Year 2013 budget to reallocate the funding for the 2005 SPLOST Project Fund.

* **20130091 Traffic Calming - 13 Intersections listed in the 2011 SPLOST Project list**

Motion to proceed with the intersection traffic calming projects at Kennesaw Avenue at Tower Road, Cherokee Street at Margaret Avenue and North Avenue at Tower Road

* **20130157 Temporary Construction Easement across from Fire Station 54 property for the construction of a sanitary sewer**

Motion to approve the temporary construction easement as amended to include an expiration date.

Council member Goldstein disclosed that Bill Haggeman, owner of the property referenced when discussing this item is a tenant of his.

APPEARANCES:

OTHER BUSINESS:

* **20130176 GWTW Museum Donations**

Approval of an Ordinance amending the Fiscal Year 2013 Gone with the Wind Museum Fund budget to appropriate donations totaling \$3,500 to purchase gift shop items to be sold at the GWTW Museum gift shop.

20130192 Penalty Abatement Request

Appeal request for the abatement of penalty for failure to pay property tax on time, as related to property located at 1970 Roswell Road.

20130194 475 Campbell Hill Street

Motion authorizing acceptance of the donation of the necessary property and easements at 475 Campbell Hill Street from the Board of Lights and Water Works of the City of Marietta for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section.

20130195 359 Campbell Hill Street

Motion authorizing acquisition of the property at 359 Campbell Hill Street from Thomas J. Spence for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$15,300.00 and is inclusive of site improvements.

20130199 Approval of Contract for Sale

Motion to approve the Contract for Sale of property from Wilson 4, LLC to the City of Marietta for property at 545/586 Kenneth E. Marcus Way in the amount of \$1.2 million from parks and recreation bond proceeds.

*** 20130109 BLW Actions of the February 11, 2013**

Review and approval of the February 11, 2013 actions and minutes of the Marietta Board of Lights and Water.

Council member Goldstein voting against agenda item 20130159, SyncGlobal Telecom Pole Attachment Agreement.

UNSCHEDULED APPEARANCES:**ADJOURNMENT:**